

RESOLUTION

Mr. TOWER. Mr. President, the Foreign Relations Committee has reported out a resolution aimed at replacing the present review operations of Congress over the CIA and other intelligence agencies with a formal Committee on Intelligence Operations.

Congressional oversight of the Central Intelligence Agency and other agencies of similar purpose—such as the Defense Intelligence Agency, Bureau of Intelligence and Research of the Department of State, and others—would rest with a formal nine-member Commission, composed of three members each of the Armed Services, Foreign Relations, and Appropriations Committees. At the present time, oversight of such operations rests with several Members appointed by the Armed Services and Appropriations Committees.

Mr. President, such oversight has rested with the Armed Services Committee since the creation of the CIA. There has been no challenge to the functions of the Armed Services Committee in this regard, and I might say that I know of no reason to suppose that the arrangement is not proving viable and effective, as, indeed, it seems to be.

It is obvious that in sensitive and secret matters of this kind, with human lives involved in some aspects of intelligence operations, there is every reason to confine critical information to as few ears as possible.

While it is perhaps true that decisions made by these agencies do have some ultimate bearing on foreign policy, it is also a fact that almost every bill which comes before Congress has ramifications beyond the scope of the particular committee to which it is referred. There is certainly a great deal of correlation in these matters.

I do not think that the present instance is significantly different. If joint jurisdiction and oversight should be accorded both the Armed Services and Foreign Relations Committees, then there is no reason why joint jurisdiction should not be accorded committees on any of the many bills which affect more than one legislative area.

As I understand it, the members of the Armed Services Committee who oversee operations of the CIA and other similar agencies have been quite cooperative in providing information to the Foreign Relations Committee on such subjects as the intelligence estimates for various countries, without divulging aspects of their operations.

The reasoning behind the proposal is, in my opinion, rather tenuous; and the justifications for maintaining the present methods of oversight and supervision are strong. There is much to be said for keeping the apparatus of supervision small and select, and I urge that my colleagues vote accordingly. I intend to vote to support the present, quite workable methods.

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

PROPOSED COMMITTEE ON INTELLIGENCE OPERATIONS

Mr. FULBRIGHT. Mr. President, I report to the Senate a resolution creating a Committee on Intelligence Operations approved by the Committee on Foreign Relations by a vote of 14 to 5 on May 17, 1966. On June 27, I sent to all Members of the Senate a copy of this resolution and report for their information. I did so in anticipation of the subject being taken up under the circumstances as they have developed this morning.

Therefore, I report the resolution to the Senate and ask that the clerk read it for the information of the Senate.

The VICE PRESIDENT. The resolution will be stated for the information of the Senate.

The legislative clerk read as follows:

Resolved, That there is hereby created, effective at the beginning of the Ninetieth Congress, a committee to be known as the Committee on Intelligence Operations to consist of nine Senators, of whom three shall be appointed by the chairman of the Committee on Appropriations from among the members of that committee, three shall be appointed by the chairman of the Committee on Armed Services from among the members of that committee, and three shall be appointed by the chairman of the Committee on Foreign Relations from among the members of that committee. No more than two of the members appointed from each such standing committee shall be from the same political party. The chairman of the committee shall be elected by the members.

Sec. 2. It shall be the duty of the Committee on Intelligence Operations to keep itself fully and currently informed of the activities of the Central Intelligence Agency, the Defense Intelligence Agency, the Bureau of Intelligence and Research of the Department of State, and other agencies of the Government insofar as the activities of such agencies relate to foreign intelligence or counterintelligence. The committee's duties shall include, but not be limited to, review of intelligence and counterintelligence activities and legislative oversight of the coordination of such activities among the various agencies concerned.

Sec. 3. The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Senate, to hold such hearings, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable.

Sec. 4. A majority of the members of the committee, or any subcommittee thereof, shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

Sec. 5. The committee is authorized to utilize the services, information, facilities, and personnel of the various departments and agencies of the Government.

Sec. 6. The committee shall take special care to safeguard information affecting the national security.

Mr. MANSFIELD. Mr. President, will the Senator yield to me without losing the floor?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, notwithstanding rule XXVI, I ask unanimous consent that it now be in order to proceed to the consideration of the resolution just reported, on the investigation

of the CIA, for the limited purpose of determining any procedural problems relating thereto.

The VICE PRESIDENT. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, the resolution is not to "investigate" the CIA; it is to create a committee. The original McCarthy resolution was to investigate the CIA. This resolution was reported in place of that one.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the change be inserted in the request.

The VICE PRESIDENT. Without objection, it is so ordered.

Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

The Senator from Arkansas [Mr. Fulbright] is recognized.

Mr. FULBRIGHT. Mr. President, I wish to address a few remarks to the substance of, the necessity for, and the justification for the resolution which has just been stated. It is reported in place of the original resolution proposed in January by the Senator from Minnesota [Mr. McCarthy].

Mr. President, the resolution which I bring before the Senate this morning would authorize the creation of a Select Committee on Intelligence Operations. It would consist of a total of nine members, three each from the Committees on Appropriations, Armed Services, and Foreign Relations. Its mandate would be "to keep itself fully and currently informed of the activities of the Central Intelligence Agency, the Defense Intelligence Agency, the Bureau of Intelligence and Research of the Department of State, and other agencies of the Government insofar as the activities of such agencies relate to foreign intelligence or counterintelligence."

Our sponsorship of this resolution proceeds from the belief that the CIA plays a major role in the foreign policy decisionmaking process and that by its activities it is capable of exerting—and has exerted—a very substantial influence on our relations with other nations. The resolution which we bring before you is an assertion of the duty of the Foreign Relations Committee to be aware of all the developments and activities of our Government as they relate to foreign affairs.

When the CIA was created, the extent and nature of its present role could not be foreseen. From a modest beginning in an entirely different context of world politics, the operations of the CIA have grown today to exceed the Department of State in both number of personnel and budget. The CIA is an efficient organization and I compliment it because in many countries its representatives stay longer and in many ways are better prepared—certainly they are better financed and, in many cases, have more influence—than our ambassadors.

The CIA has certain unique characteristics which set it apart from other institutions involved in the foreign policy of the United States Government. These characteristics give the Agency unusual advantages and influence and suggest the desirability of the Foreign Relations

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Committee being more aware of its activities.

As is natural with any organization—particularly one staffed by intelligent and dedicated individuals—the CIA becomes a factor in the decisionmaking process as an advocate for its own recommendations. Its ability to provide the facts on which decisions are made gives it a great advantage over the Department of State in this respect. The Agency is not under the same compulsion to subject its data or analyses to the bureaucratic clearance procedures which affect and often retard the efficiency and imagination of the Department of State. Insofar as the collection of basic intelligence data is concerned, this immunity is proper. The desirability of scrutiny becomes more obvious in the case of conclusions which the Agency draws from its own data—conclusions which may be virtually unchallengeable given the Agency's freedom in its choice and presentation of supporting evidence.

There are certain other advantages, seldom mentioned, which the CIA enjoys. It is not required to expend any significant portion of its energy in dealings with either the public at large or the Congress. It is not expected, for example, to play host and guide to visiting Members of Congress, and we do not refer to it a regular flow of constituent mail and problems. Furthermore, its officers are relatively free from the social and ceremonial requirements which so greatly distract their State Department counterparts.

These aspects of the CIA's nature and functions were well stated in the recent series of very thorough articles on the CIA appearing in the New York Times. One passage reads:

It is the CIA, unlike the Defense Department with its service rivalries, budget concerns and political involvements, and unlike the State Department with its international diplomatic responsibilities and its vulnerability to criticism, that is freest of all agencies to advocate its projects and press home its views; the CIA can promise action, if not success.

And both the Agency and those who must pass upon its plans are shielded by security from the outside oversight and review under which virtually all other officials operate, at home and abroad.¹

And in another of the articles, the Times pointed out:

Nevertheless, the CIA enjoys an inherent advantage in any conflict with the State or Defense Departments because of its undeniable expertise—especially in economics and science—and because it is free from such political entanglements as trying to build up a missile budget (as in the case of the Air Force) or of having to justify the recognition of a foreign leader (as in the case of State).²

In urging the creation of a select committee or a Committee on Intelligence Operations, I am not suggesting that the Congress can or should assume control of the CIA or the other intelligence gathering activities of our Government. This is clearly a function of executive responsibility directly related to the con-

duct of our foreign relations and the maintenance of national security.

It has been asserted that the CIA functions under the National Security Council and initiates no activity which has not been ordered by the NSC. This seeks to imply close, continuous supervision by an organized mechanism. In this connection, I noted with great interest a recent report that the National Security Council met on May 9 of this year, for the first time since July 1965. Furthermore, the formal NSC machinery in existence in earlier years has atrophied to the point of nonexistence.

It seems to me, therefore, that if there is a chance that the executive branch may not adequately assure the proper relation of the CIA to overall national interests—particularly those in the field of foreign policy—it is imperative that the Senate know enough about the CIA's activities to be able to offer its own suggestions in this respect. As my distinguished colleague, the Senator from Minnesota (Mr. McCARTHY), has said, this is "not a question of passing judgment on any activities, but of proper procedures of the Government of the United States . . . it is a concern for the proper function of government, for the maintenance of proper relationships, and it is a desire to provide procedures by which the Senate, in this case through the Committee on Foreign Relations, can exercise its basic constitutional responsibility."—Senator EUGENE J. McCARTHY, CONGRESSIONAL RECORD, May 16, 1966, page 10132.

The general public and congressional concern and uncertainty over the nature of the CIA's role in foreign affairs have found expression over the years in some different 200 resolutions which have come before the Senate on this subject. Of these, the proposal before us today is probably the most moderate. I believe that its adoption would contribute to the quieting of criticism, the allaying of public fears, and the restoring of confidence in the Agency.

The Senate has in the past created new mechanisms to meet new responsibilities. This precedent is at least as compelling in the situation before us today as that which vests legislative oversight in the committee which reports creating legislation. In instances where there are legitimate questions of jurisdiction and clearly intertwined responsibilities, I believe the Senate is far better served by the creation of a specially tailored select committee. As my respected colleague from Georgia has already acknowledged:

The Central Intelligence Agency occupies a very peculiar position in our scheme of things.³

I believe that it is time for the Senate to take formal action which recognizes the true and evolved nature of this "peculiar institution."

Mr. FULBRIGHT. While I recognize the limitations of institutional forms of control, I believe that the creation of the select committee called for in this resolution will strengthen our position in deal-

ing with executive branch officials who must ultimately exercise the control which is so essential if we are to be assured that our most honorable national principles and aspirations are not sacrificed to the immediate requirements of intelligence operations.

Another advantage which would result from the creation of a Select Committee on Intelligence Operations would be a more efficient coordination of the various intelligence activities of the Government. This aspect of the resolution has not received the attention which I believe it deserves. The overlapping and confusion of activities among the CIA, the Bureau of Intelligence and Research of the State Department, the Defense Intelligence Agency, and the National Security Agency are a matter of common knowledge to those in the intelligence field. Last year's lamentable Camelot affair, resulting from an ill-advised project of the Department of Defense, was an excellent example of this situation.

The size of our overall intelligence effort is difficult to establish. However, an idea of its extent can be gained from the New York Times' estimate that its annual cost exceeds \$3 billion a year. According to the same source, this amount is more than six times that specifically allotted to the CIA. The Times estimated that the National Security Agency alone spends about \$1 billion of this total figure.

There is little doubt in my mind that a careful study of the entire intelligence community would result in a more efficient distribution of functions and, in turn, a reduction in its size and expense.

Finally, Mr. President, I believe that the failure of the Senate to take this small step in formal recognition of its duty to exercise a more comprehensive oversight of U.S. intelligence activities will evidence an abdication of our clear duty in an area where the activities of the executive branch can spell the difference between national honor and national discredit or, conceivably, between war and peace.

Mr. President, as chairman of the Committee on Foreign Relations, I believe that with the responsibility, for good or bad that this committee has, it is entitled to access to the kind of information which would be available from the CIA.

Mr. RUSSELL of Georgia. Mr. President, at this moment I shall not digress to discuss the merits of the proposal as was done by the distinguished chairman of the Committee on Foreign Relations, because I wish to raise a procedural question, based, Mr. President, on rule XXV, of the Standing Rules of the Senate.

This has been a most extraordinary procedure since its very inception. For example, Mr. President, this resolution has not been introduced. It did not follow the ordinary course of a Senator's sending it to the desk for appropriate reference; if that had been done, the resolution would not have been referred to the Committee on Foreign Relations. It would have been referred to the Committee on Armed Services. But we have it here before us now, under this very unusual legal, though extraordinary,

¹ The New York Times, Monday, Apr. 25, 1966.

² The New York Times, Thursday, Apr. 28, 1966.

³ Senator RICHARD B. RUSSELL, CONGRESSIONAL RECORD, May 16, 1966, p. 10124.

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procedure of having a committee meet and write within itself a self-serving resolution that affects other committees of the Senate, without the rules of the Senate governing reference of legislation having been applied.

I raise a point of order, Mr. President, that before this resolution goes to the calendar, it must be referred to the Senate Committee on Armed Services.

Under paragraph (p) (1) (A) of section 1 of rule XXV matters pertaining to the payment of money out of the contingent fund of the Senate or creating a charge upon the same are referred to the Committee on Rules and Administration.

Mr. MORSE. Mr. President, will the Senator yield? I missed the citation of the rule.

Mr. RUSSELL of Georgia. Paragraph (p) (1) (A) of section 1 of rule XXV prescribing the jurisdiction of the Committee on Rules and Administration.

The provision then continues:

except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

Mr. President, this resolution, as originally introduced, provided, as the Senator has stated, for an investigation by the Committee on Foreign Relations, and for the appropriation of \$150,000 for the purpose of providing a staff and the facilities for conducting that investigation. Of course, such provisions immediately placed it within the jurisdiction of the Committee on Rules. So that part of the resolution was rewritten. It was redrafted as a Senate resolution creating a committee.

The distinguished Senator from Arkansas has referred to the fact that this is a select committee. It is only called a select committee in his statement to the Senate. It does not anywhere else appear so in the proceedings.

Mr. FULBRIGHT. The Senator is correct.

Mr. RUSSELL of Georgia. It is not a select committee. Despite the fact that the Senator has called it that, it is a standing committee of the Senate that would be created. The resolution reads: "Is hereby created a committee to be known as the Committee on Intelligence Operations." This is not a select committee in the ordinary sense of the word. It is a standing committee of the Senate of the United States that is proposed to be created, without reference to the Committee on Rules—which usually handles the creation of standing committees—or to the Committee on Armed Services—whose jurisdiction it invades in a number of instances.

I wish to point out further, Mr. President, that this is proposed to be done without hearing a single witness by the committee, in this self-serving, self-seeking resolution. It is presented here in this novel fashion to change the procedures of the Senate as they have existed since its creation, without a single witness appearing before the Committee on Foreign Relations, so far as I am advised, to support the resolution.

Mr. FULBRIGHT. We had the Director of the Central Intelligence Agency on two occasions before the committee.

His testimony, which was restricted to the very superficial aspects of their activity, was the most persuasive witness with respect to the necessity of this resolution. I do not know of any further witness. In effect, this resolution is the outgrowth of the failure of the committee to receive what it believed to be significant intelligence from the Director of the CIA.

Mr. RUSSELL of Georgia. I intend to discuss that. But when the distinguished Senator from Arizona, who is the chairman of the Senate Committee on Appropriations, wrote a letter to the members of that committee, pointing out that the Foreign Relations Committee was proposing to create a Subcommittee on Appropriations to deal with the appropriations for the Central Intelligence Agency and all of the other agencies that are listed in the resolution, the Committee on Foreign Relations, to avoid that criticism, changed the resolution again, and struck out the asserted authority to deal with the appropriations and budgetary affairs of all these various investigative and intelligence agencies.

I use that illustration to show the unusual length to which the committee went in seeking to avoid the normal procedures of the Senate, in reporting the resolution without its having been introduced and without having been introduced at any hearings except that the distinguished chairman of the committee may have been dissatisfied with the refusal of the Director of the Central Intelligence Agency to divulge his methods and sources of obtaining information when he appeared before the committee.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. RUSSELL of Georgia. I yield.

Mr. FULBRIGHT. I do not wish to impose on the Senator's time, but he has said that the Central Intelligence Agency occupies a very peculiar position. I do not think it is fair to say that the Foreign Relations Committee is trying to be self-seeking, self-serving, or trying to monopolize anything when it seeks participation. It is not trying to take this over.

All the resolution provides is that the Foreign Relations Committee be allowed to be a part. It does not seem to me to be a very extreme move. We are not trying to oust anybody from jurisdiction.

Mr. RUSSELL of Georgia. Why does not the Senator from Arkansas introduce a resolution from the floor for appropriate reference? Why does he bring it in from the committee in this form?

Mr. FULBRIGHT. The Senator has said it is a very peculiar situation.

In consultation with the Parliamentarian about the point of order the Senator is about to make, the Parliamentarian said the Senate has no precedent for this kind of situation.

Actually, there is no precedent in the history of the Senate that I know of, for dealing with a body like the Central Intelligence Agency. This is a most peculiar agency, as the Senator said.

Mr. RUSSELL of Georgia. I decline to yield further.

Mr. FULBRIGHT. Very well; but the Senator himself has said that.

Mr. RUSSELL of Georgia. I do not deny it at all. It is a peculiar agency.

Mr. FULBRIGHT. The formal supervision which we are seeking has never been acted on. The Senate has never taken any specific action with regard to one of the largest agencies, one of the most expensive agencies in the entire Government. It is all done very informally. I think that is very unusual.

Mr. RUSSELL of Georgia. I challenge the Senator from Arkansas to bring forth a single other precedent since the Senate was first created in 1789 where a committee brought forward a resolution to create a new committee of which it would be a part that was not referred to the Committee on Rules and Administration or to another appropriate committee.

If this is not a case which is self-serving, I do not know what self-serving means.

This proposal is presented in an unusual and unprecedented fashion. I realize we are living in a new day; but I know of no other instance in which a committee has been created on which the members were selected by the chairman of a standing committee.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RUSSELL of Georgia. I yield for a question.

Mr. LONG of Louisiana. Is it not true that the committee is reporting a resolution of which it does not have jurisdiction?

Mr. RUSSELL of Georgia. That is true. They avoided jurisdiction by reporting it out and not introducing it for reference to the appropriate committee.

The proposal departs from the general practice of having the chair appoint the membership of a committee or having it done by a caucus of the two parties and ratified by the Senate. I have never heard of another instance like this and I do not believe that the Senator from Arkansas has.

Mr. FULBRIGHT. That is what the Senator does now with the committee that functions in connection with the CIA, and this committee is following his precedent.

The chairman of the Committee on Armed Services designates members without the authority of the Senate, and the chairman of the Committee on Appropriations designates members—also without authority from the Senate. That is the way they presently operate. This is a peculiar situation of which there is no precedent.

The committee is asking the Senate, in its wisdom, to make up its mind whether it wants a committee such as this to be formal or not. That is all that it is asking. It is not asking to oust anybody.

This procedure is the procedure that is now being followed. The present informal committee, with no formal recognition, is selected by the respective chairmen.

Mr. RUSSELL of Georgia. I am utterly surprised that the Senator from Arkansas [Mr. FULBRIGHT], who has graced this Senate for so many years, does not know the difference between a subcommittee and a committee. The Senator is talking about the subcommittee of the Committee on Armed Services that now has responsibility for the

Central Intelligence Agency, but he is proposing to create a standing committee, not a subcommittee, and he proposes to do it by having the selections made by the members of three other standing committees of the Senate.

I know of no instance where that has been done. Of course, a subcommittee can be extinguished at the end of a session of the Senate—it is extinguished—unless it is renewed by the full committee. This resolution proposes what would be a permanent committee.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RUSSELL of Georgia. I yield to the Senator from Rhode Island.

Mr. PASTORE. Is the Senator from Georgia saying that if the resolution now before us and reported by the Committee on Foreign Relations in its present form had been sponsored from the floor, the resolution would have been referred to the Committee on Rules and Administration?

Mr. RUSSELL of Georgia. It would have been referred either to the Committee on Rules and Administration or to the Committee on Armed Services.

Mr. PASTORE. Mr. President, may we have a parliamentary ruling?

Mr. RUSSELL of Georgia. I am confident it would have gone to one of those two committees. In my judgment, it would have been referred to the Committee on Armed Services.

Mr. PASTORE. May we ask for an official ruling?

At the same time, in connection with that, may I ask if the resolution which the Senator from Minnesota [Mr. McCARRY] introduced was referred to the Committee on Foreign Relations?

Mr. RUSSELL of Georgia. That was because he asked to have the Committee on Foreign Relations conduct the investigation. He spelled that out in the resolution. He was not letting anyone else in on that.

Mr. President, there are some other unusual features about this.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. As to selection, I would be disposed to accept an amendment to have the members selected in the same way as any other committee.

Mr. RUSSELL of Georgia. I am not taking an unusual privilege. It should be the same as any other committee.

Mr. FULBRIGHT. This is not essential to the resolution at all. If the Senator wishes to have members selected in the other fashion, it is perfectly all right with me, and I am sure that it is with the other members of the committee.

The simple proposition is whether or not the Senate, in its wisdom, wishes to take action on a matter of this kind or continue this vague situation.

There have been 200 resolutions showing discontent about it.

Mr. RUSSELL of Georgia. That would be revision 10 or 12 in the effort to get this resolution approved in some form. It has been rewritten, rewritten, and rewritten to avoid the jurisdiction of the appropriate committee, or committees, which should handle it.

Let me point out another novel thing. On every other standing committee of

the Senate, the chairman is selected by the Senate. What does this resolution provide? It provides that the chairman be elected by members of the standing committee.

It deviates from the practice that has obtained since the inception of the Senate. The Senate has elected the chairmen of committees. Here it is proposed that this is a special case, that owing to the peculiar nature of this agency, we should let the new committee take away jurisdiction from the Senate itself to elect the chairman. That is a most unusual provision. It is one that the Committee on Rules should examine after the Committee on Armed Services has examined into the functions of the subcommittee.

Now, Mr. President, as I say, this resolution has been rewritten and rewritten and rewritten time and again in an effort to avoid the ordinary parliamentary processes of this body. Under rule XXV, there is no doubt in my mind that this resolution should be considered by the Armed Services Committee. I do not know what the Parliamentarian would say, but I do know what the rules provide.

I am therefore glad to submit this parliamentary inquiry. If this resolution were introduced for appropriate reference, to what committee would this resolution be referred?

The VICE PRESIDENT. The Chair wishes to ask the Senator from Georgia, is he referring now to the resolution as it was reported—

Mr. RUSSELL of Georgia. Yes.

The VICE PRESIDENT (continuing). By the clerk from the Committee on Foreign Relations?

Mr. RUSSELL of Georgia. Yes.

The VICE PRESIDENT. Under a cursory examination of this resolution, there is a feeling on the part of the Chair that in light of the—

Mr. RUSSELL of Georgia. I ask the Chair if he would examine into the resolution as to the agencies covered, the Central Intelligence Agency, the Defense Intelligence Agency, and the others which are involved, and the jurisdiction that is now fixed, before he makes a ruling.

The VICE PRESIDENT. The Senator is posing a hypothetical case. I want to make that clear at this point, because the resolution before the Senate comes from the Committee on Foreign Relations.

Mr. RUSSELL of Georgia. That is correct.

The VICE PRESIDENT. The Senator poses the question, if this resolution had been introduced from the floor of the Senate, and asked for appropriate referral, where would it have gone? On a cursory examination, it appears to deal with matters of national security, which is the subject matter covered by the Committee on Armed Services and that is the committee to which the resolution would be referred.

Mr. FULBRIGHT. Mr. President, will the Senator from Georgia yield at that point?

Mr. RUSSELL of Georgia. I would not wish to yield right now, although I am glad to—

The VICE PRESIDENT. This ruling does not relate to the proposition that is presently before the Senate.

Mr. RUSSELL of Georgia. I understand that. I am not complaining. I am not saying this is an illegal procedure. I say it is an extraordinary procedure that is resorted to only for special purposes by committees when they write bills within the committee and do not introduce them from the floor. That is the objection I am making. I say, for that reason, that a point of order should be sustained by the Chair, and this resolution should not go to the calendar but should be referred to the Committee on Armed Services, so that we would at least have an opportunity to have some kind of hearing from the agencies affected as to what effect they think this resolution might have upon them and their operations.

Mr. President, I want to clear up a misconception which has arisen here, particularly in the distinguished newspaper published in New York, which the Senator quoted with authority about a dozen times in the course of his remarks, as to what legislative oversight means.

That particular paper seems to have the idea that legislative oversight means that a legislative committee which is oversighting has some control over the administration of that agency.

That is not true. Nothing could be further from the facts. All that we can do by oversighting is to keep ourselves informed as to what an agency is doing, with the exception of the Committee on Appropriations. I want to make that exception. They have the power of the purse. If they feel disposed, they can reduce the appropriation. But the other standing committees, when they are exercising legislative oversight, cannot control the operations of the agency.

I would say, Mr. President, that the most illuminating example of that of which I have any knowledge is the fact that the Committee on Foreign Relations has legislative oversight over the Department of State.

Anyone who has read the newspapers for the last 8 months knows just how far the Foreign Relations Committee has missed in controlling or directing the activities of the Department of State. That shows just how much this legislative oversight function gives a committee control over an agency. All that it does is to enable committees to keep themselves informed about what an agency is doing and undertake to measure up to our legislative responsibilities in that light.

The State Department itself has an intelligence operation apart from the CIA. Each of the military departments has intelligence activities. The CIA is somewhat of a coordinating institution for other intelligence gatherers.

Mr. President, I want to say also that the Foreign Relations Committee has available to it practically all the information which is available to the subcommittee on the CIA of the Senate Committee on Armed Services, with one or two minor exceptions.

The Senate Foreign Relations Committee can get any intelligence estimate that has been arrived at in this Govern-

ment on a particular situation in any country that bears upon our international relations.

One of the incidents that gave rise to this matter was when the Director of the Central Intelligence Agency declined to testify as to his sources of information and his methods of acquiring information. That matter is so sensitive, Mr. President, that only in the most extraordinary circumstances has the Armed Services Subcommittee, as careful as it has been, gone into the sources of information and the methods which the CIA has used in gathering information.

Why, Mr. President, if there were evidence of the slightest disclosure of the sources of information to the CIA from any source, if the report got out tomorrow—and I use this purely as a hypothetical illustration—that the Secretary of the Soviet Legation in Tasmania was revealing information to the CIA, our intelligence sources throughout the world would dry up. It would frighten them all to death. We could not get one iota of information. The act creating the CIA particularly charged that the Director of that agency protect and maintain the highest classification of secrecy on the methods and sources of his information. That is properly so. If he does not do this, the CIA is not worth a plugged nickel so far as getting any clandestine information is concerned, because the slightest indication that a source of information is likely to be revealed would discourage the flow of information immediately and instantly.

Mr. President, at times an effort is made by committees to exercise an influence over executive agencies by the process of publicity. They publicize certain things. They leak information to the press in an effort to build up public sentiment, to control the editorial policy of great newspapers, thereby to influence national policy. I am not going to debate the merits of such tactics in ordinary circumstances, but I am going to say that they do not work where the CIA is concerned. The first time such methods were tried, we will have destroyed the usefulness of the CIA and we might as well abolish it.

The distinguished chairman of the Foreign Relations Committee can call the Director of the CIA before his committee any time he wishes and he can get from him any information available to the Committee on Armed Services except as to sources and methods, and as to budgetary matters and how much money is spent for certain things.

Let me emphasize that when I refer to all these cloak and dagger operations, that they constitute a very small part of the total operations. They are vital. We must have them. Much of the rest might be of little value without those operations. However, the relative cost of the secret operations is not large.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. RUSSELL of Georgia. I yield for a question.

Mr. MORSE. I have listened with great interest to the remarks of the Senator. When he says that the Foreign Relations Committee can get what-

ever information it seeks on intelligence matters from the CIA except information with respect to sources and methods used in connection with the collection of that information and the expenditure of money, is the Armed Services Committee able to get that information?

Mr. RUSSELL of Georgia. We can get information as to sources and methods, but I want to be very frank with the Senator. I do not want the information except in the very rarest of cases. And the other members of the committee do not want that information except in unusual circumstances.

I want to say further that I do not think it is wise for the legislative branch of the Government to know all the sources from which the CIA gets its information. We should be interested in the validity of it and the importance to be attached to it. All of that is weighed in what they call the intelligence community, which consists of representatives of several agencies and departments of the executive branch.

Mr. MORSE. Will the Senator yield for one additional question to seek information?

Mr. RUSSELL of Georgia. I yield.

Mr. MORSE. Is it the argument of the Senator from Georgia that if this select committee—

Mr. RUSSELL of Georgia. It is not a select committee. It is a standing committee.

Mr. MORSE. Is it the argument of the Senator from Georgia that if the Subcommittee of the Armed Services, in connection with receiving the CIA report, had added to it three members of the Foreign Relations Committee, which would be bound by the procedures of the committee in regard to the CIA, that that would increase the danger that information as to the sources and the methods of collection and financing would be made public?

Mr. RUSSELL of Georgia. Without the least intention of giving offense to the Senator or to his committee, I want to say that every time we add one person from any committee to the subcommittee, we increase the chances that there will be some leak.

Mr. MORSE. But there would be no danger if it were limited to Members of the U.S. Senate who are members of the Armed Services Committee.

Mr. RUSSELL of Georgia. No. There is also a subcommittee of the Committee on Appropriations, and by a strange coincidence of parliamentary life, the membership of the two committees happen to contain some duplications. The members of the Appropriations Committee, of course, have the last word because they can cut off the means of existence of the Central Intelligence Agency or any other agency.

Mr. MORSE. Does it not follow that the Senator is arguing, when he makes the statement in regard to the protection of the source and the method of collecting and financing of the material of the CIA, that there is no question about its protection if the committee is limited to its present members in the availability to such material, but that if

three members of the Foreign Relations Committee are added who will be bound by the same rules as those by which the Armed Services Committee is bound, we would then run into some danger of disclosing matters of secrecy?

Mr. RUSSELL of Georgia. Mr. President, I have been here for some time. I want to say that there is a great deal of difference in the application that some Senators give to their responsibilities for maintaining matters that they get in executive session and the application that some other Senators give to such responsibilities.

Sometimes I have seen classified matters, given in executive session, printed in the newspapers before the committee adjourned.

Any Senator who has been here for any time knows that there is a difference between the approach of some Senators to matters of classification and the approach of other Senators to such matters.

I say that without any invidious comparison. It is true on the Armed Services Committee. It is true on every other committee, and it is true in the Senate as a whole.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RUSSELL of Georgia. I yield first to the Senator from North Carolina. I will have to stop yielding. I want to complete this argument.

Mr. ERVIN. My question is very simple. This does not reflect on any member of any committee. However, is it not a self-evident fact that every time an additional person is given secret information there is danger of it being disclosed? The more people who know a secret, the more apt it is to be disclosed, no matter who those people are?

Mr. RUSSELL of Georgia. As I say, if we increase the membership of the committee by one, we increase the danger of material being disclosed. I do not care who it is. It is a fact of life.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. RUSSELL of Georgia. I yield to the distinguished Senator from Massachusetts, the ranking minority member on both committees.

Mr. SALTONSTALL. I appreciate the statement of the Senator. If we were to add Foreign Relations Committee members to the subcommittee of the Committees on Appropriations and Armed Services, why should we not add members of the Committee on Government Operations and members of other committees?

Mr. RUSSELL of Georgia. I think there is some merit in the statement of the Senator. However, I will not debate all the merits of it today.

I am taking the position that the Senate should not agree to this unusual parliamentary procedure under which a committee sits in its own committee room and writes a resolution concerning something that belongs in the jurisdiction of some other committee. They then report it here and seek to deny jurisdiction

to the other committee as a result of their procedure.

Mr. COTTON. Mr. President, a point of order.

The VICE PRESIDENT. Will the Senator from Georgia yield for a point of order?

Mr. RUSSELL of Georgia. I yield.

Mr. COTTON. Mr. President, I would like it to be quiet so that we can all hear this colloquy.

The VICE PRESIDENT. The Senate will be in order.

Mr. RUSSELL of Georgia. Mr. President, I am doing my best to bring the matter to a conclusion.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. RUSSELL of Georgia. I yield to the distinguished Senator from Arkansas, the chairman of the Foreign Relations Committee. I did not interrupt him in the course of his remarks, but it is all right.

Mr. FULBRIGHT. The remark of the Senator from Massachusetts seems to leave the impression that we should prevent action on the part of the Foreign Relations Committee because it has no concern with the subject matter.

I tried to make it clear that the Committee on Foreign Relations is charged by the Senate and by the rules with responsibility on foreign relations and is in a very peculiar relationship to this activity.

The activity that we are interested in is the foreign relations activity. Our interest has nothing to do with the domestic activities. If the CIA should seek to intervene in a domestic matter, we would not be interested. We have never asked for that information. If they were participating in an election on domestic matters, that would be something beyond our interest.

It is well known that this country is in great difficulty and is involved in a most dreadful and tragic war in which activity this country is the least unified of any country that I know of. It involves a grave responsibility of the Committee on Foreign Relations.

We think we ought to know what part the CIA plays in situations such as we are involved in in Vietnam, and such as we have been involved in in Guatemala, in Iran, and in other parts of the world. When they refute reports by reputable organizations and reports written by well-established journalists, we cannot have the information that would prove or disprove the refutation. But, when he insinuates that the Foreign Relations Committee has no more interest in this than does any other committee, he is absolutely wrong.

Mr. RUSSELL of Georgia. I do not think he said any other committee; he said the Government Operations Committee.

Mr. FULBRIGHT. We have a more direct responsibility for foreign relations than does the Armed Services Committee, to be frank about it. I do not know why the Senator monopolizes the CIA.

Mr. RUSSELL of Georgia. I am not trying to muscle in on the Senator's committee. I am trying to keep the

Senator from muscling in on my committee. That is what I am doing.

Mr. FULBRIGHT. There is nothing in the legislation that gives the Armed Services Committee exclusive jurisdiction on this subject. This is a power that his committee has assumed simply because the National Security Act came out of that committee.

Mr. RUSSELL of Georgia. Mr. President, I do not yield further, and I do not accept that statement. There is nothing here that would justify the statement that the Central Intelligence Agency will not give the Foreign Relations Committee any information.

Mr. FULBRIGHT. "Significant," I said.

Mr. RUSSELL of Georgia. I do not believe that is correct. It would be far from the purposes of the Central Intelligence Agency. In my opinion, the President of the United States was correct in not authorizing the CIA to give details on the methods and sources of obtaining information.

Mr. President, the sponsors of this resolution emphasize that the CIA affects foreign policy. But it seems to me that affecting the subject is insufficient, under our practice, to confer legislative jurisdiction. If every committee that had some small degree of interest in a subject insisted upon the creation of special committees like this to deal with it we would have such a proliferation of committees around here that the Members of the Senate could not possibly name them all. They could not bear their names in mind. If we are going to create a special committee every time there is apparently any overlapping or conflict of jurisdiction, we would have such proliferation that it would destroy the present and existing committee system of the Senate of the United States.

I submit to the Senate, Mr. President, that this point of order is valid, and that the Committee on Armed Services, to which this resolution would ordinarily be referred if normal procedures were followed, should have an opportunity to consider this resolution before it goes to the Senate calendar.

The VICE PRESIDENT. Will the Senator from Georgia please restate his point of order?

Mr. RUSSELL of Georgia. My point of order is that under rule XXV, the provision of which I have read, the subsection of the rule dealing with the Committee on Rules and Administration, this resolution relates to a substantive matter within the jurisdiction of the Committee on Armed Services, and therefore should be first referred to such committee, before it goes to the calendar. That is the point of order I made.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield? I wish to ask a question.

Mr. RUSSELL of Georgia. I yield.

Mr. YOUNG of North Dakota. Does not the President of the United States have sole jurisdiction over the operations of the CIA and as to what information it can disclose?

Mr. RUSSELL of Georgia. He has

complete control of it, through the National Security Council.

The Senator from Arkansas referred to the fact that there had been only one full meeting of the National Security Council for many months, but there are constant meetings of subcommittees of the National Security Council.

I do not believe the President has failed so signally in his duty that he has bypassed and neglected and disowned as important an agency of the Government as the National Security Council.

Mr. MANSFIELD. Mr. President, I move that the Senate go into closed session.

Mr. DIRKSEN. I second the motion. (At 12 o'clock and 25 minutes p.m., the doors of the Chamber were closed.)

At the conclusion of the closed door session, the doors were reopened at 4 o'clock and 5 minutes p.m., and the Senate was called to order by the Senator from Hawaii [Mr. INOUYE].

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, would the Chair state the question?

The PRESIDING OFFICER. The question is on the point of order of the Senator from Georgia, that under rule XXV the original resolution reported by the Committee on Foreign Relations consists of subject matter predominately under the jurisdiction of the Committee on Armed Services and therefore is improperly before the Senate and must be referred to that committee before it can properly be placed on the Senate Calendar.

The yeas and nays have been ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, may I just bring this to the attention of the Senate. Immediately following this vote, there will be a vote on the International Wheat Agreement Treaty, which was reported unanimously by the Committee on Foreign Relations, and which I understand is up against a time limitation tomorrow.

Mr. JAVITS. Mr. President, a parliamentary inquiry. The vote "yea" sustains the point of order; the vote "nay" is to overrule the point of order.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. When is it the intention of the majority leader that the Senate again take up the agricultural appropriation bill?

Mr. MANSFIELD. Tomorrow.

Mr. HOLLAND. At what hour?

Mr. MANSFIELD. Twelve o'clock tomorrow, Mr. President.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon tomorrow; and, furthermore, I ask unanimous consent that after a 15-minute morning hour the unfinished business, the agriculture appropriation bill, be laid before the Senate and debate begun.

The PRESIDING OFFICER. Without objection, it is so ordered.

The VICE PRESIDENT. The Senate has heard the question. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON (when his name was called). Mr. President, on this vote I have a pair with the Senator from New Mexico [Mr. ANDERSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Florida [Mr. SMATHERS]. If he were present and voting he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], and the Senator from Alaska [Mr. GRUENING] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Wyoming [Mr. McGEEL], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], and the Senator from Alaska [Mr. GRUENING] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Pennsylvania [Mr. SCOTT] is absent because of illness, and if present and voting, would vote "yea."

The result was announced—yeas 61, nays 28, as follows:

(No. 137 Leg.)

YEAS—61

Allott	Hayden	Neuberger
Bartlett	Hickenlooper	Pastore
Bayh	Hill	Pearson
Bennett	Holland	Prout
Bible	Hruska	Randolph
Brewster	Inouye	Ribicoff
Byrd, Va.	Jackson	Robertson
Byrd, W. Va.	Jordan, N.C.	Russell, S.C.
Cannon	Jordan, Idaho	Russell, Ga.
Carlson	Kuchel	Saltonstall
Cooper	Lausche	Simpson
Cotton	Long, Mo.	Smith
Curtis	Long, La.	Stennis
Dirksen	Magnuson	Symington
Dominick	McClellan	Talmadge
Douglas	McIntyre	Thurmond
Eastland	Miller	Tower
Ellender	Montoya	Tydings
Ervin	Morton	Young, N. Dak.
Fannin	Mundt	
Frank	Murphy	

NAYS—28

Alken	Hartke	Moss
Boggs	Javits	Muskie
Burdick	Kennedy, Mass.	Pell
Case	Kennedy, N.Y.	Proxmire
Church	McCarthy	Williams, N.J.
Fong	McGovern	Williams, Del.
Fulbright	Metcalf	Yarborough
Gore	Mondale	Young, Ohio
Griffin	Monroney	
Hart	Morse	

NOT VOTING—11

Anderson	Gruening	Scott
Bass	Mansfield	Smathers
Clark	McGee	Sparkman
Dodd	Nelson	

So the point of order of the Senator from Georgia [Mr. RUSSELL] was sustained.